



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Hugo Olliphant ) Examiner: Nga Nguyen  
)  
Serial No.: 09/633,962 ) Group Art Unit: 3628  
)  
Filed: August 08, 2000 ) Docket: 2043.231US1  
)  
METHOD FOR MANAGING GROUP FINANCES VIA AN ELECTRONIC NETWORK  
)

**APPEAL BRIEF UNDER 37 CFR § 41.37**

Mail Stop Appeal Brief- Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on May 9, 2005, from the Final Rejection of claims 1-7 and 9-30 of the above-identified application, as set forth in the Final Office Action mailed on February 7, 2005.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of 500.00 which represents the requisite fee set forth in 37 C.F.R. § 41.2(b)(2). The Appellant respectfully requests consideration and reversal of the Examiner's rejections of pending claims.

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**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

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## **1. REAL PARTY IN INTEREST**

The real party in interest of the above-captioned patent application is the assignee,  
eBay Inc.

## **2. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in the present appeal.

### **3. STATUS OF THE CLAIMS**

The present application was filed on August 8, 2000 with 20 claims. In response to the Final Office Action mailed November 28, 2003, an Amendment was filed with an RCE amending claims 1, 9-12 and 17, canceling claim 8, and adding new claims 21-30. In response to the Non-Final Office Action mailed September 14, 2004, claims 1-7, 9-20, 24-27 and 30 were amended.

Claims 1-7 and 9-30 stand rejected, remain pending, and are the subject of the present Appeal.

#### **4. STATUS OF AMENDMENTS**

No amendments have been made subsequent to the Final Office Action dated  
February 7, 2005

## **5. SUMMARY OF CLAIMED SUBJECT MATTER**

Some aspects of the present inventive subject matter include, but are not limited to, methods and systems of managing group finances for a group of a number of group members via an electronic network. See page 2, line 26 - page 3, line 2. A group fund corresponding to at least one shared expense of the group is established. See page 7, lines 10-11 and Figure 5 which is described at page 12, lines 1-17. Transaction details are received from a member of the group via an electronic network. The transaction details describe a group expense and identify at least one of the number of group members responsible for the group expense. See step 328 in Figure 3 which is described at page 8, lines 19-25. The transaction details are assigned to the group. See step 408 in Figure 4 which is described at page 9, lines 3-13. The group expenses specified in the transaction details are allocated among the group members of the group. See step 408 in Figure 4 which is described at page 9, lines 3-13.

This summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers to the appended claims and its legal equivalents for a complete statement of the invention.

## **6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 1-3, 5-7, 9-12, 20-25, 28 and 29 were rejected under 35 USC § 102 as being anticipated by Fleming (U.S. Patent No. 5,953,710) (hereinafter “Fleming”). Claims 4, 13-19, 26, 27 and 30 were rejected under 35 USC § 103(a) as being unpatentable over Wallman (U.S. Patent No. 6,338,047) (hereinafter “Wallman”). However, the details of the rejection do not include references to Wallman (only to Fleming). Appellant assumes that this rejection under 35 U.S.C. § 103 is based on Fleming.



## **7. ARGUMENT**

### **A) The Applicable Law for Rejection under 35 U.S.C. § 102**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter. *PPG Industries, Inc. v. Guardian Industries Corp.*, 75 F.3d 1558, 37 USPQ2d 1618 (Fed. Cir. 1996). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

“To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. . . . Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. (emphasis added) *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268-69 (Fed. Cir. 1991).

### **A) The Applicable Law for Rejection under 35 U.S.C. § 103**

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To do that the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.*

The *Fine* court stated that:

Obviousness is tested by "what the combined teaching of the references would have suggested to those of ordinary skill in the art." *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 878 (CCPA 1981)). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys.*, 732 F.2d at 1577, 221 USPQ at 933. And "teachings of references can be combined *only* if there is some suggestion or incentive to do so." *Id.* (emphasis in original).

The M.P.E.P. adopts this line of reasoning, stating that

In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

An invention can be obvious even though the suggestion to combine prior art teachings is not found in a specific reference. *In re Oetiker*, 24 USPQ2d 1443 (Fed. Cir. 1992). At the same time, however, although it is not necessary that the cited references or prior art specifically suggest making the combination, there must be some teaching somewhere which provides the suggestion or motivation to combine prior art teachings and applies that combination to solve the same or similar problem which the claimed invention addresses. One of ordinary skill in the art will be presumed to know of any such teaching. (See, e.g., *In re Nilssen*, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) and *In re Wood*, 599 F.2d 1032, 1037, 202 USPQ 171, 174 (CCPA 1979)). The references must teach or suggest all the claim elements. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

**B) Discussion of the rejection of claims 1-3, 5-7, 9-12, 20-25 and 28-29 under 35 U.S.C. § 102 as being anticipated by Fleming.**

Claims 1-3, 5-7, 9-12, 21-24 and 28-29

Among the differences, claim 1 recites “establishing a group fund corresponding to at least one shared expense of the group.” (emphasis added). In the final office action (mailed on 02/07/05), the Examiner indicated that this limitation is disclosed in Fleming at column 10, lines 10-47; column 12, lines 55-65 and column 16, lines 15-30.

Fleming relates to a method for allocating, by a parent, available credit on credit cards for the parent and a child. Fleming relates to the redistribution of a credit limit among parents and children for which the parent is responsible. In other words, Fleming relates to

[a] method and system [that] allow: a parent to make changes in the child’s available credit without changing the total combined credit limit and available credit for the child’s and parent’s credit card accounts and without requiring bank approval . . . .

Fleming at column 3, lines 14-19.

Fleming’s passage at column 10, lines 10-47 relates to “[p]rocessing of a parent request to increase a child’s available credit . . .” Fleming at column 10, lines 10-11. This passage adjusts the parent’s credit limit based on the adjustment to the child’s credit limit (as described above).

Fleming’s passage at column 12, lines 55-65 relates to differences between a debit card and a credit card.

A debit card functions very much like a credit card. However, a debit account is based primarily upon funds deposited in the debit card account, rather than credit granted by a card issuer to a credit card account.

Fleming at column 12, lines 57-60.

Fleming's passage at column 16, lines 15-30 relates to "family available credit which is separate from the parent account's available credit." Fleming at column 16, lines 19-20. The family available credit is used in place of the parent's available credit "for operations granting available credit to the child's account . . ." Fleming at column 16, lines 23-26.

None of these passages disclose a group fund for a shared expense. Specifically, Fleming does not disclose a sharing of an expense. In other words, the child is not sharing an expense with the parent. Rather, the parent is responsible for expenses charged by the child but not vice versa. See, for example, Fleming at column 12, lines 31-35 and lines 45-46.

Notably, in the final office action in the "Response to Arguments/Amendment" section, the Examiner indicated the following:

Fleming discloses a method and system in which parent and children can share expense by using the available credit limit (group fund) of parent's credit card or debit card.

Office Action at page 2, ¶3.

As noted in the applicable law section above, "[t]he mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Continental Can* at page 1269. The Examiner indicates that the expenses can be shared among parent and child but fails to indicate where such limitation is explicitly or inherently disclosed.

Also, among the differences, claim 1 recites "allocating said group expense specified by said transaction details among group members of said group." In the final office action, the Examiner indicated that this limitation is disclosed in Fleming at column 10, lines 43-47. See Final Office Action at page 5. As noted by the final office action, this citation in Fleming relates to "updating the available credit limit [for the parent and the child]." Office Action at page 5. This citation relates to the redistribution of a credit limit between parent and child. Such citation does not disclose the allocation of a group expense among group members.

For at least these reasons, Appellants submit that Fleming does not teach all the claim elements as they are arranged in claim 1. Furthermore, claims 2-3, 5-7, 9-12, 21-24 and 28-29 depend directly or indirectly on claim 1. As such, Appellants submit these claims are also allowable for the reasons discussed above.

#### Claim 20

In addition to the remarks set forth above regarding claim 1 from which claim 20 depends, Appellant respectfully submits the following. Among the differences, claim 20 recites “wherein said receiving includes acquiring an authorization of payment of the group expense from said group members.” In the final office action, the Examiner indicated that this limitation was disclosed in Fleming at column 12, lines 25-55. See Final Office Action at page 7. This citation in Fleming relates to the payment either by the parent or child and how such payment affects the credits limits of the parent or child. This citation does not disclose authorization by the group members of a group expense. Accordingly, because Fleming does not teach each element of claim 20, Appellant respectfully submits that the rejection of claim 20 has been overcome and that this claim is in condition for allowance.

#### Claim 25

In addition to the remarks regarding claim 1 from which claim 25 depends, Appellant respectfully submits the following remarks. Among the differences, claim 25 recites “determining that a group member has made an early payment and paying said group member interest on the amount of the payment until said payment is due.” In the final office action, the Examiner indicated that this limitation in Fleming at column 12, lines 25-42. See Final Office Action at page 7. As described above, this citation in Fleming relates to the payment either by the parent or child and how such payment affects the credits limits of the parent or child. This citation does not disclose paying one of the group members based on early payment. Accordingly, because Fleming does not teach each element of claim 25, Appellant respectfully submits that the rejection of claim 25 has been overcome and that this claim is in condition for allowance.

**C) Discussion of the rejection of claims 4, 13-19, 26-27 and 30 under 35 U.S.C. § 103 as being unpatentable over Wallman.**

The Final Office Action rejected claims 4, 13-19, 26-27 and 30 under 35 U.S.C. § 103 as being unpatentable over Wallman. However, the details of the rejection do not include references to Wallman (only to Fleming). Appellant assumes that this rejection under 35 U.S.C. § 103 is based on Fleming.

Claim 4

Among the differences, claim 4 recites “rounding up an original expense value to a new expense value having a predefined number of decimal places; and distributing a difference between said new expense value and said original expense value to a third party.” In the final office action (mailed 02/07/05), the Examiner indicated that this limitation was not disclosed by Fleming but that “it would have been obvious to modify Fleming’s to include the feature . . .” Final Office Action at page 8.

Also, in the final office action in the “Response to Arguments/Amendment” section, the Examiner indicated the following:

Regarding to claims 4, 13-19, 26-27 and 30, the limitations recites (sic) in the claims are so old and well-known in the art, examiner strongly believes that examiner can find the single reference to support every limitations in the claims. Examiner is willing to provide the references for the purpose of Appeal.

Final Office Action at page 3.

Appellant respectfully traverses the single reference obviousness rejection under 35 U.S.C. § 103 since not all of the recited elements of the claim are found in Fleming. Since all the elements of the claim are not found in the reference, Appellant assumes that the Examiner is taking Official Notice of the missing elements. Appellant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and,

pursuant to M.P.E.P. § 2144.03, Appellant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position.

Since all the limitations of claim 4 are not found in Fleming, the rejection under 35 U.S.C. 103(a) now fails because the Examiner did not make out a *prima facie* case of obviousness. Accordingly, Appellant respectfully requests reconsideration of this rejection and allowance of claim 4.

### Claim 13

Among the differences, claim 13 recites “accepting electronic deposits into said group fund.” With regard to claims 13-15, in the final office action, the Examiner indicated that

Fleming does not directly teach settling step comprises the step of accepting electronic deposits into group fund by collecting a credit card or an electronic check deposit electronic deposit into group fund. However, electronic funds using credit card or electronic check is well known in the art. . . . Therefore, it would have been obvious to modify Fleming’s to include the feature above for the purpose of time consuming because collecting funds using credit card or electronic check is faster than a paper check or money order sent by mail.

Final Office Action at pages 8-9.

Also, in the final office action in the “Response to Arguments/Amendment” section, the Examiner indicated the following:

Regarding to claims 4, 13-19, 26-27 and 30, the limitations recites (sic) in the claims are so old and well-known in the art, examiner strongly believes that examiner can find the single reference to support every limitations in the claims. Examiner is willing to provide the references for the purpose of Appeal.

Final Office Action at page 3.

Appellant respectfully traverses the single reference obviousness rejection under 35 U.S.C. § 103 since not all of the recited elements of the claims are found in Fleming. Since all the elements of the claims are not found in the reference, Appellant assumes that the Examiner is taking Official Notice of the missing elements. Appellant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Appellant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position. Since all the limitations of claim 13 is not found in Fleming, the rejection under 35 U.S.C. 103(a) now fails. Accordingly, Appellant respectfully submits that the rejection of claim 13 has been overcome and that this claim is in condition for allowance.

#### Claim 14

Among the differences, claim 14 recites “collecting a credit card electronic deposit into said group fund.” With regard to claims 13-15 in the final office action, the Examiner indicated that

Fleming does not directly teach settling step comprises the step of accepting electronic deposits into group fund by collecting a credit card or an electronic check deposit electronic deposit into group fund. However, electronic funds using credit card or electronic check is well known in the art. . . . Therefore, it would have been obvious to modify Fleming's to include the feature above for the purpose of time consuming because collecting funds using credit card or electronic check is faster than a paper check or money order sent by mail.

Final Office Action at pages 8-9.

Also, in the final office action in the “Response to Arguments/Amendment” section, the Examiner indicated the following:

Regarding to claims 4, 13-19, 26-27 and 30, the limitations recites (sic) in the claims are so old and well-known in the art, examiner strongly believes that examiner can find the single reference to support every limitations in the claims.



Examiner is willing to provide the references for the purpose of Appeal.

Final Office Action at page 3.

Appellant respectfully traverses the single reference obviousness rejection under 35 U.S.C. § 103 since not all of the recited elements of the claims are found in Fleming. Since all the elements of the claims are not found in the reference, Appellant assumes that the Examiner is taking Official Notice of the missing elements. Appellant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Appellant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position. Since all the limitations of claim 14 is not found in Fleming, the rejection under 35 U.S.C. 103(a) now fails. Accordingly, Appellant respectfully submits that the rejection of claim 14 has been overcome and that this claim is in condition for allowance.

#### Claim 15

Among the differences, claim 15 recites "collecting an electronic check deposit into said group fund." With regard to claims 13-15, the Examiner indicated that

Fleming does not directly teach settling step comprises the step of accepting electronic deposits into group fund by collecting a credit card or an electronic check deposit electronic deposit into group fund. However, electronic funds using credit card or electronic check is well known in the art. . . . Therefore, it would have been obvious to modify Fleming's to include the feature above for the purpose of time consuming because collecting funds using credit card or electronic check is faster than a paper check or money order sent by mail.

Final Office Action at pages 8-9.

Also, in the final office action in the "Response to Arguments/Amendment" section, the Examiner indicated the following:

Regarding to claims 4, 13-19, 26-27 and 30, the limitations recites (sic) in the claims are so old and well-known in the art, examiner strongly believes that examiner can find the single reference to support every limitations in the claims. Examiner is willing to provide the references for the purpose of Appeal.

Final Office Action at page 3.

Appellant respectfully traverses the single reference obviousness rejection under 35 U.S.C. § 103 since not all of the recited elements of the claims are found in Fleming. Since all the elements of the claims are not found in the reference, Appellant assumes that the Examiner is taking Official Notice of the missing elements. Appellant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Appellant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position. Since all the limitations of claim 15 is not found in Fleming, the rejection under 35 U.S.C. 103(a) now fails. Accordingly, Appellant respectfully submits that the rejection of claim 15 has been overcome and that this claim is in condition for allowance.

#### Claim 16

Among the differences, claim 16 recites “wherein said settling comprises transferring funds from said group fund to a financial institution account of a group member.” In the final office action, the Examiner indicated that Fleming does not teach this limitation but that “it would have been obvious to modify Fleming’s to include the feature . . . for the purpose of timing consuming.” Final Office Action at page 7.

Also, in the final office action in the “Response to Arguments/Amendment” section, the Examiner indicated the following:

Regarding to claims 4, 13-19, 26-27 and 30, the limitations recites (sic) in the claims are so old and well-known in the art, examiner strongly believes that examiner can find the single reference to support every limitations in the claims. Examiner is willing to provide the references for the purpose of Appeal.

Final Office Action at page 3.

Appellant respectfully traverses the single reference obviousness rejection under 35 U.S.C. § 103 since not all of the recited elements of the claims are found in Fleming. Since all the elements of the claims are not found in the reference, Appellant assumes that the Examiner is taking Official Notice of the missing elements. Appellant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Appellant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position. Since all the limitations of claim 16 are not found in Fleming, the rejection under 35 U.S.C. 103(a) now fails. Accordingly, Appellant respectfully requests reconsideration of this rejection and allowance of claim 16.

#### Claim 17

Among the differences, claim 17 recites “emailing group members to notify them of their outstanding balance in said group fund.” In the final office action, the Examiner indicated that Fleming does not disclose this limitation but that “it would have been obvious to modify Fleming’s to include the feature . . . for the purpose of providing more convenient to the member to keep track of the account information.” Final Office Action at page 9.

Also, in the final office action in the “Response to Arguments/Amendment” section, the Examiner indicated the following:

Regarding to claims 4, 13-19, 26-27 and 30, the limitations recites (sic) in the claims are so old and well-known in the art, examiner strongly believes that examiner can find the single reference to support every limitations in the claims. Examiner is willing to provide the references for the purpose of Appeal.

Final Office Action at page 3.

Appellant respectfully traverses the single reference obviousness rejection under 35 U.S.C. § 103 since not all of the recited elements of the claims are found in Fleming. Since all the elements of the claims are not found in the reference, Appellant assumes that the Examiner is taking Official Notice of the missing elements. Appellant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Appellant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position.

Since all the limitations of claim 17 are not found in Fleming, the rejection under 35 U.S.C. 103(a) now fails because the Examiner did not make out a *prima facie* case of obviousness. Accordingly, Appellant respectfully requests reconsideration of this rejection and allowance of claim 17.

#### Claims 18-19

Among the differences, claim 18 recites “wherein said receiving includes receiving said transaction details from a form appearing in a web page.” Claim 19 recites “wherein said allocating further includes generating a web page interface with a form reporting allocated expenses.” In the final office action, the Examiner indicated that Fleming does not disclose these limitations but that “it would have been obvious to modify Fleming’s to include the feature . . . for the purpose of providing more convenient to the member to keep track of the account information.” See Final Office Action at page 10.

Also, in the final office action in the “Response to Arguments/Amendment” section, the Examiner indicated the following:

Regarding to claims 4, 13-19, 26-27 and 30, the limitations recites (sic) in the claims are so old and well-known in the art, examiner strongly believes that examiner can find the single reference to support every limitations in the claims. Examiner is willing to provide the references for the purpose of Appeal.

Final Office Action at page 3.

Appellant respectfully traverses the single reference obviousness rejection under 35 U.S.C. § 103 since not all of the recited elements of the claims are found in Fleming. Since all the elements of the claims are not found in the reference, Appellant assumes that the Examiner is taking Official Notice of the missing elements. Appellant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Appellant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position.

Since all the limitations of claims 18-19 are not found in Fleming, the rejection under 35 U.S.C. 103(a) now fails because the Examiner did not make out a *prima facie* case of obviousness. Accordingly, Appellant respectfully requests reconsideration of this rejection and allowance of claims 18-19.

#### Claim 26

With regard to claim 26, among the differences, claim 26 recites “determining that one group member is delinquent in paying his share of a group expense and removing said one group member from said group.” In the final office action, the Examiner indicated that Fleming did not teach this limitation but that “Fleming does teach parent can request to disable the child’s credit card (column 11, lines 27-50). Final Office Action at page 10. The Examiner then indicated that “it would have been obvious in Fleming’s that parent can request to disable the child’s credit card when the child fails to make payment in the child’s credit card account, thus it encourages the child to make payment in order to continue using the credit card for purchase, other the credit card will be disable.” Final Office Action at page 10. Fleming disclose that “a parent [is] to make a single payment for their account and their children. Fleming at column 3, lines 55-56.

Also, in the final office action in the “Response to Arguments/Amendment” section, the Examiner indicated the following:

Regarding to claims 4, 13-19, 26-27 and 30, the limitations recites (sic) in the claims are so old and well-known in the art, examiner strongly believes that examiner can find the single reference to support every limitations in the claims.

Examiner is willing to provide the references for the purpose of Appeal.

Final Office Action at page 3.

Appellant respectfully traverses the single reference obviousness rejection under 35 U.S.C. § 103 since not all of the recited elements of the claim are found in Fleming. Since all the elements of the claim are not found in the reference, Appellant assumes that the Examiner is taking Official Notice of the missing elements. Appellant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Appellant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position.

Since all the limitations of claim 26 are not found in Fleming, the rejection under 35 U.S.C. 103(a) now fails because the Examiner did not make out a *prima facie* case of obviousness. Accordingly, Appellant respectfully requests reconsideration of this rejection and allowance of claim 26.

#### Claim 27

Among the differences, claim 27 recites “determining whether one member of the group would like to ask other members of said group to settle up, and if so to contact said other members via the electronic network to settle up.” In the final office action, the Examiner indicated that “it would have been obvious to modify Fleming’s to include the feature above for the purpose of providing more convenient to the members to communicating each others regarding to settle up group funds.” Final Office Action at page 10.

Also, in the final office action in the “Response to Arguments/Amendment” section, the Examiner indicated the following:

Regarding to claims 4, 13-19, 26-27 and 30, the limitations recites (sic) in the claims are so old and well-known in the art, examiner strongly believes that examiner can find the single reference to support every limitations in the claims. Examiner is willing to provide the references for the purpose of Appeal.

Final Office Action at page 3.

Appellant respectfully traverses the single reference obviousness rejection under 35 U.S.C. § 103 since not all of the recited elements of the claim are found in Fleming. Since all the elements of the claim are not found in the reference, Appellant assumes that the Examiner is taking Official Notice of the missing elements. Appellant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Appellant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position.

Since all the limitations of claim 27 are not found in Fleming, the rejection under 35 U.S.C. 103(a) now fails because the Examiner did not make out a *prima facie* case of obviousness. Accordingly, Appellant respectfully requests reconsideration of this rejection and allowance of claim 27.

#### Claim 30

With regard to claim 30, among the differences, claim 30 recites “determining when any of the group members owes more than a predetermined amount of money, and subsequently reminding said any of the group members via e-mail to settle up.” In the final office action, the Examiner indicated that “it would have been obvious to modify Fleming’s to include the feature above for the purpose of providing more convenient to the member to keep track of the account information.” Office Action at page 11.

Also, in the final office action in the “Response to Arguments/Amendment” section, the Examiner indicated the following:

Regarding to claims 4, 13-19, 26-27 and 30, the limitations recites (sic) in the claims are so old and well-known in the art, examiner strongly believes that examiner can find the single reference to support every limitations in the claims. Examiner is willing to provide the references for the purpose of Appeal.

Final Office Action at page 3.

Appellant respectfully traverses the single reference obviousness rejection under 35 U.S.C. § 103 since not all of the recited elements of the claim are found in Fleming. Since all the elements of the claim are not found in the reference, Appellant assumes that the Examiner is taking Official Notice of the missing elements. Appellant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Appellant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position. Since all the limitations of claim 30 are not found in Fleming, the rejection under 35 U.S.C. 103(a) now fails because the Examiner did not make out a *prima facie* case of obviousness. Accordingly, Appellant respectfully requests reconsideration of this rejection and allowance of claim 30.



## 8. SUMMARY

It is respectfully submitted that the claims are patentable over the cited art.  
Reversal of the rejection and allowance of the pending claim are respectfully requested.

Respectfully submitted,

HUGO OLLIPHANT

By his Representatives,

SCHWEGMAN, LUNDBERG,  
WOESSNER & KLUTH, P.A.

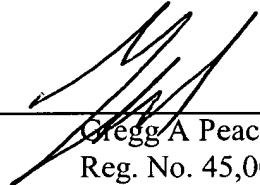
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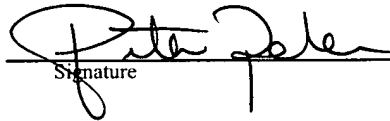
  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Appeal Brief, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of October, 2005.

Name

Peter Rebuttoni

Signature



### **CLAIMS APPENDIX**

1. (Rejected) A method of managing group finances for a group that includes a plurality of group members via an electronic network, the method comprising:
  - establishing a group fund corresponding to at least one shared expense of the group;
  - receiving transaction details from a member of the group via an electronic network, said transaction details describing a group expense and identifying at least one of the plurality of group members responsible for said group expense;
  - assigning said transaction details to said group; and
  - allocating said group expense specified by said transaction details among group members of said group.
2. (Rejected) The method of claim 1, further comprising repeating said receiving, assigning, and allocating steps for a plurality of transactions.
3. (Rejected) The method of claim 1, further comprising balancing finances of said group.
4. (Rejected) The method of claim 3, wherein said balancing includes:
  - rounding up an original expense value to a new expense value having a predefined number of decimal places; and
  - distributing a difference between said new expense value and said original expense value to a third party.
5. (Rejected) The method of claim 1, wherein said receiving comprises acquiring transaction details which include a shared expense containing an expense amount and at least one group member responsible for said expense.

6. (Rejected) The method of claim 1, wherein said receiving comprises acquiring transaction details which include remuneration details from a group member.
7. (Rejected) The method of claim 1, wherein said receiving comprises acquiring allocation details dividing financial obligations of said group among said group members.
8. (Canceled)
9. (Rejected) The method of claim 1, wherein said establishing comprises:  
acquiring group fund details; and  
storing said group fund details in a group fund database.
10. (Rejected) The method of claim 1, wherein said allocating includes:  
debiting said group fund with an expense specified in said transaction details; and  
allotting said expense among said group members in a manner specified in said transaction details.
11. (Rejected) The method of claim 1, wherein said allocating includes:  
crediting said group fund with remuneration specified in said transaction details;  
and  
allotting said remuneration among said group members in a manner specified in said transaction details.
12. (Rejected) The method of claim 1, further comprising settling said group fund via said electronic network.
13. (Rejected) The method of claim 12, wherein said settling comprises accepting electronic deposits into said group fund.

14. (Rejected) The method of claim 13, wherein said accepting comprises collecting a credit card electronic deposit into said group fund.

15. (Rejected) The method of claim 13, wherein said accepting comprises collecting an electronic check deposit into said group fund.

16. (Rejected) The method of claim 12, wherein said settling comprises transferring funds from said group fund to a financial institution account of a group member.

17. (Rejected) The method of claim 1, further comprising emailing group members to notify them of their outstanding balance in said group fund.

18. (Rejected) The method of claim 1, wherein said receiving includes receiving said transaction details from a form appearing in a web page.

19. (Rejected) The method of claim 1, wherein said allocating further includes generating a web page interface with a form reporting allocated expenses.

20. (Rejected) The method of claim 1, wherein said receiving includes acquiring an authorization of payment of the group expense from said group members.

21. (Rejected) The method of claim 1, wherein said group expense described in said transaction details corresponds to the purchase of one of goods or services.

22. (Rejected) The method of claim 1, wherein said at least one shared expense of the group that said group fund corresponds to corresponds to a future purchase of one of goods or services.

23. (Rejected) The method of claim 1, wherein said transaction details describe a payment made by at least two members of the group on behalf of the group.

24. (Rejected) The method of claim 1, further comprising charging a group member interest for paying said group fund late.
25. (Rejected) The method of claim 1, further comprising determining that a group member has made an early payment and paying said group member interest on the amount of the payment until said payment is due.
26. (Rejected) The method of claim 1, further comprising determining that one group member is delinquent in paying his share of a group expense and removing said one group member from said group.
27. (Rejected) The method of claim 1, comprising determining whether one member of the group would like to ask other members of said group to settle up, and if so to contact said other members via the electronic network to settle up.
28. (Rejected) The method of claim 1, wherein said transaction details describe an amount paid by at least two of the group members on behalf of the group.
29. (Rejected) The method of claim 1, wherein said transaction details specify a plurality of, but not all of, the group members to assign said transaction to.
30. (Rejected) The method of claim 1, further comprising determining when any of the group members owes more than a predetermined amount of money, and subsequently reminding said any of the group members via e-mail to settle up.

**EVIDENCE APPENDIX**

None.

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**RELATED PROCEEDINGS APPENDIX**

None.

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